

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

HONORABLE ELAINE L. CHAO	§	
SECRETARY, U.S. DEPARTMENT	§	
OF LABOR	§	
	§	CIVIL ACTION NO.4:05-CV-338-Y
VS.	§	
	§	
ALLIED PILOTS ASSOCIATION	§	

CONSENT DECREE AND ORDER

(with special instructions for the clerk of Court)

The Court has before it the joint motion of Plaintiff Elaine L. Chao, Secretary of the United States Department of Labor ("DOL"), and Defendant Allied Pilots Association ("APA") for case resolution. The motion informs the Court that the parties have reached a settlement of this case. The Court held a hearing on the joint motion on May 29, 2007, in which the parties informed the Court that they do not object to the entry of a consent decree and order containing their settlement. The parties desire that the Court retain jurisdiction until the settlement agreement has been fulfilled. As part of the settlement agreement in this case, the parties ask the Court to vacate its February 20, 2007, order denying DOL's motion for summary judgment.

The following is the Consent Decree stipulated and agreed to by the parties:

1. The DOL brought this action against the APA on May 27, 2005, pursuant to the Labor Management Reporting and Disclosure Act ("LMRDA"), seeking to overturn the results of the 2004 APA National Officer Election on the ground that that election, which made use

of the American Arbitration Association's remote Internet voting system, allegedly lacked the ballot-secrecy protections required by the LMRDA.

2. The DOL moved for summary judgment on May 5, 2006; and the APA filed an opposition to that motion. The Court denied the DOL's motion on February 20, 2007, and set the case for trial.

3. Both the DOL and the APA recognize that trial of this matter presents risks, uncertainties and further expense for both parties. Accordingly, the parties have negotiated the terms of this Consent Decree and Order as a mutual compromise and settlement of all disputed claims and defenses.

4. Because the parties have resolved all disputes concerning the 2004 APA National Officer Election, no further action will be taken with respect to that Election.

5. The DOL will supervise the 2007 APA National Officer Election, currently in progress, in accordance with Title IV of the LMRDA, 29 U.S.C. §§ 481, *et seq.*, and, insofar as lawful and practicable, in accordance with the Constitution and Bylaws of the APA.

6. Challenges to and disputes concerning the conduct of the 2007 National Officer Election will be determined in the first instance by the DOL, subject to review by the Court.

7. The Court will retain jurisdiction of this action and, after completion of the supervised election and if there are no

disputes or challenges concerning the conduct of the 2007 National Officer Election, the DOL will certify to the Court the results of the election and its compliance with the LMRDA and the APA Constitution and Bylaws.

8. Upon the Court's approval of DOL's certification, the Court will enter a Judgment declaring official the results of the 2007 APA National Officer Election, dismissing this action with prejudice, and providing that each party to this action will bear its own costs, fees and expenses.

Respectfully submitted,

RICHARD B. ROPER
UNITED STATES ATTORNEY

s/ Tami C. Parker

TAMI C. PARKER
Assistant United States Attorney
State Bar No: 24003946
Burnett Plaza, Suite 1700
801 Cherry Street, Unit 4
Fort Worth, Texas 76102-6882
Telephone: 817.252.5200
Facsimile: 817.978.6351

OF COUNSEL:
JONATHAN L. SNARE
Acting Solicitor of Labor

KATHERINE E. BISSELL
Associate Solicitor, Civil Rights
and Labor-Management Division

SHARON E. HANLEY
Counsel for Labor-Management Programs

TAMMY R. DAUB
Attorney

SHERYL L. VIEYRA
Attorney

COUNSEL FOR PLAINTIFF
SECRETARY, DEPARTMENT OF
LABOR

s/ Sanford R. Denison
SANFORD R. DENISON
Texas Bar No. 05655560
BAAB & DENISON, LLP
Stemmons Place, Suite 1608
2777 N. Stemmons Freeway
Dallas, Texas 75207
(214) 637-0750; (214) 637-0730 Fax

Edgar N. James
D.C. Bar No. 333013

Steven K. Hoffman
D.C. Bar No. 384696

David P. Dean
D.C. Bar No. 437030

JAMES & HOFFMAN, P.C.
1101 17th Street, N.W., Suite 510
Washington, D.C. 20036
(202) 496-0500; (202) 496-0555 Fax

COUNSEL FOR DEFENDANT ALLIED
PILOTS ASSOCIATION

Date: June 1, 2007

After review of the parties' joint motion, the Court GRANTS the motion (doc. #53). The foregoing Consent Decree is ADOPTED by the Court as detailed above. Further, the Court HEREBY VACATES its February 20, 2007, order denying DOL's motion for summary judgment (doc. #51). The clerk of Court is DIRECTED to VACATE the Court's order denying DOL's summary-judgment motion.

SIGNED June 13, 2007.

A handwritten signature in black ink, reading "Terry R. Means", is written over a horizontal line.

TERRY R. MEANS

UNITED STATES DISTRICT JUDGE